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18 TORRES; CAROL DEUPREE; JESSICA VIRAMONTES;
19 JUAN SARINANA; ADRIANA ZUNIGA; PREM SARIN;
20 DAVID BOUFFARD; and HECTOR SANCHEZ
21

22 **UNITED STATES DISTRICT COURT**

23 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

24 TODD R. G. HILL,
25
26 Plaintiff,
27
28 v.

29 THE BOARD OF DIRECTORS,
30 OFFICERS AND AGENTS AND
31 INDIVIDUALS OF THE PEOPLES
32 COLLEGE OF LAW; et al.
33
34 Defendants.

Case No. 2:23-cv-01298-JLS-BFMx

**REPLY TO PLAINTIFF'S
OBJECTION TO REPORT AND
RECOMMENDATION (DOCKET
NO. 348)**

Judge: Josephine L. Staton
Magistrate: Brianna Fuller Mircheff

35 Defendants THE GUILD LAW SCHOOL DBA PEOPLE'S COLLEGE OF
36 LAW, JOSHUA GILLENS, WILLIAM MAESTAS, BOARD OF DIRECTORS
37 FOR THE PEOPLE'S COLLEGE OF LAW, CHRISTINA MARIN GONZALEZ;
38 ROGER ARAMAYO; ISMAIL VENEGAS; CLEMENTE FRANCO; HECTOR
39 PENA; PASCUAL TORRES; CAROL DEUPREE; JESSICA VIRAMONTES;
40 JUAN SARINANA; ADRIANA ZUNIGA; PREM SARIN; DAVID BOUFFARD;
41 and HECTOR SANCHEZ (collectively, "Defendants") hereby submit their Reply to

Plaintiff's Objections and Request for De Novo Review of Magistrate's Report and Recommendations, dated July 22, 2025 (Docket 348).

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendants respectfully submit this reply in support of Magistrate Judge's Report and Recommendation ("Report") and in opposition to Plaintiff's Objection to the Report. The Report correctly found that Plaintiff's Fourth Amended Complaint fails to state a plausible civil RICO claim—the sole remaining Federal cause of action—and appropriately recommends dismissal of the action with prejudice. The Report thoroughly considers both the operative Fourth Amended Complaint and Plaintiff's proposed Fifth Amended Complaint, finding that neither pleads facts sufficient to sustain a Federal cause of action.

After seven opportunities to amend, the Report rightly concludes that further leave would be futile. Plaintiff's objections do not address the legal deficiencies identified in the Report and instead repeat the same conclusory assertions and speculative theories that have been rejected time and time again. Plaintiff's objections offer no meaningful rebuttal, instead recycling the same conclusory allegations that have repeatedly failed to establish a viable Federal cause of action.

II. PLAINTIFF CANNOT ESTABLISH DIVERSITY JURISDICTION

Plaintiff mistakenly asserts that this Court possesses independent subject matter jurisdiction under 28 U.S.C. § 1332(a) on the basis that "the record reflects complete diversity of citizenship between Plaintiff and all Defendants." [Objection at p. 8:15.] However, the record reflects that Plaintiff filed this action in February 2023 while domiciled in California, not Texas, and it was not until November 2023—nine months after initiating suit—that Plaintiff claims to have relocated to Texas. [See Objection at p. 8:21-21.] Indeed, Plaintiff continued to list a California address on court filings until at least Docket No. 197, filed on or about November

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As the Report addresses in its Footnote 8, it is well-settled that “the jurisdiction of the court depends upon the state of things at the time of the action brought.” *Mollan v. Torrance*, 9 Wheat. 537, 539, 6 L.Ed. 154 (1824). This “time-of-filing” rule is firmly embedded in Federal subject matter jurisdiction jurisprudence and bars parties from manufacturing diversity after their initial filing. As the Supreme Court made clear in *Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567, 570-571 (2004), “[t]his time-of-filing rule is hornbook law (quite literally) taught to first-year law students in any basic course on federal civil procedure. It measures all challenges to subject-matter jurisdiction premised upon diversity of citizenship against the state of facts that existed at the time of filing.”

Accordingly, Plaintiff’s attempt to invoke diversity jurisdiction under Section 1332(a) fails as a matter of law. Because diversity must be established at the time of filing—and Plaintiff was domiciled in California when he filed this action—there is no independent basis for Federal jurisdiction. As such, the Report correctly declines to exercise supplemental jurisdiction over the state law claims, and Plaintiff’s Objection offers no legitimate basis to revisit that conclusion.

III. PLAINTIFF’S RELIANCE ON PCL’S CLOSURE DOES NOT SALVAGE THE DEFICIENT RICO ALLEGATIONS

Plaintiff contends that the Report “fails to address a critical and indisputable fact”—that Peoples College of Law was shut down by the State Bar of California—and that this fact elevates his allegations to support a viable civil RICO claim. [Objection at p. 10:22-23.] This argument lacks both legal and factual merit. Plaintiff conclusively states that “[r]evocation of an institution’s authority to operate is not the likely administrative consequence of innocent error or mere negligence,” but Plaintiff’s speculation is not sufficient to cure the defects with the RICO claim.

The Report correctly identifies the flaw in this type of reasoning: a civil RICO claim requires specific, well-pleaded facts giving rise to the inference that the alleged harm was caused by a scheme to defraud, and carried out with the specific

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1 intent to defraud. [See Report at p. 12:22-24.] Plaintiff has not alleged such facts
2 despite having ample opportunities to do so. Instead, Plaintiff attempts to salvage his
3 theory of fraud with unsupported conclusions about PCL’s closure, and he fails to
4 bridge the critical gap between administrative enforcement and the proximate cause
5 of Plaintiff’s injury. [See Report at p. 17:19-18:1, Fn. 7.]

6 As the Report notes, “errors in management” do not amount to fraud. [Report
7 at p. 13:4-5 (quoting *United States v. Amlani*, 111 F.3d 705, 717 (9th Cir. 1997)).]
8 The mere closure of PCL is not a proxy for fraudulent intent or racketeering activity.
9 Put another way, Plaintiff has not shown, and cannot show, that the revocation of
10 PCL’s authority was linked to any intentional fraud, much less the vaguely-defined
11 fraud that Plaintiff seeks to base his Rico claim upon.

12 Further, as the Report emphasizes, Plaintiff’s allegations remain “devoid of
13 any details.” [See Report at p. 16:13.] While he claims that various PCL officials
14 made misrepresentations about the school and his tuition arrangement, Plaintiff fails
15 to identify specific statements, when they were made, or how they were knowingly
16 false at the time. The supposed “critical” fact of PCL’s eventual closure does not
17 and cannot fill this evidentiary void, nor does it provide the particularity required
18 under Rule 9(b).

19 **IV. CONCLUSION**

20 The Magistrate Judge’s Report and Recommendation is thorough, well-
21 reasoned, and fully supported by the record and controlling legal authority.
22 Plaintiff’s objections fail to raise a legitimate challenge to the Report’s core
23 findings—namely, that Plaintiff has not and cannot state a viable civil RICO claim,
24 and that further amendment would be futile. Plaintiff’s continued reliance on
25 speculative conclusions, unsupported factual assertions, and mischaracterizations of
26 procedural and jurisdictional rules, only confirms the appropriateness of dismissal.

27 For these reasons, Defendants respectfully request that the Court overrule

28 Plaintiff’s objections, adopt the Report and Recommendation in full, and dismiss the
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REPLY TO PLAINTIFF’S OBJECTION TO
REPORT AND RECOMMENDATION

Fourth Amended Complaint—and this action—in its entirety, with prejudice and without leave to amend.

DATED: August 7, 2025

HAIGHT BROWN & BONESTEEL LLP

By:

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Allison E. Harvey

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SANCHEZ

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PROOF OF SERVICE

Hill v. The Board of Directors, Officers, et al.

Case No. 2:23-cv-01298-JLS-CFM

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Diego, State of California. My business address is 402 West Broadway, Suite 1850, San Diego, CA 92101.


On August 7, 2025, I served true copies of the following document(s) described as **REPLY TO PLAINTIFF'S OBJECTION TO REPORT AND RECOMMENDATION (DOCKET NO. 348)** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 7, 2025, at San Diego, California.



Amy Craig

SERVICE LIST

Hill v. The Board of Directors, Officers, et al.

Case No. 2:23-cv-01298-JLS-CFM

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